

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AFFYMETRIX, INC., a Delaware corporation,

Plaintiff/Counter-Defendant,

v.

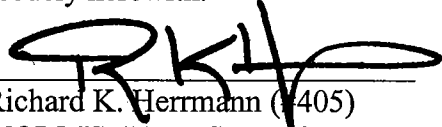
ILLUMINA, INC., a Delaware corporation,

Defendant/Counter-Plaintiff.

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) Civil Action No.: 04-901 JJF
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**MOTION FOR SUMMARY JUDGMENT OF INEQUITABLE CONDUCT AND
UNENFORCEABILITY OF U.S. PATENT NO. 6,646,243**

Defendant Illumina, Inc. respectfully moves for summary judgment of inequitable conduct and unenforceability of U.S. Patent No. 6,646,243. The grounds for this motion are fully set forth in the accompanying brief filed contemporaneously herewith.


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Dated: July 14, 2006

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Plaintiff/Counter-Defendant,

v.

ILLUMINA, INC., a Delaware corporation,

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ORDER

IT IS HEREBY ORDERED, this _____ day of _____, 2006,
upon consideration of Illumina's Motion for Summary Judgment of Inequitable Conduct and
Unenforceability of U.S. Patent No. 6,646,243, and the parties' arguments and submissions
related thereto, that the motion is **GRANTED**. U.S. Patent No. 6,646,243 is hereby adjudged to
be unenforceable due to inequitable conduct.

United States District Judge

CERTIFICATE OF SERVICE

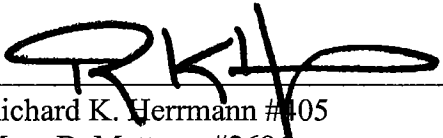
I hereby certify that on the 14th day of July, 2006, I caused to be electronically filed the foregoing document, **MOTION FOR SUMMARY JUDGMENT OF INEQUITABLE CONDUCT AND UNENFORCEABILITY OF U.S. PATENT NO. 6,646,243**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jack B. Blumenfeld, Esq.
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Additionally, I hereby certify that on the 14th day of July, 2006, the foregoing document was served via email and hand delivery on the above and via email and Federal Express on the following non-registered participant:

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